

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PAINTERS LOCAL 802 PENSION FUND,  
PAINTERS LOCAL 802 HEALTH FUND and  
PAINTERS LOCAL 802 APPRENTICESHIP FUND  
And JEFF MEHRHOFF (in his capacity as Trustee),

Plaintiffs,

v.

EAGLE RIVER PAINT AND STAIN, LLC,

Defendant.

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ORDER AND ENTRY OF  
INJUNCTIVE RELIEF

20-CV-198

On April 17, 2020, the clerk of court entered default against defendant Eagle River Paint and Stain, LLC, for failing to plead or otherwise defend as provided by Federal Rule of Civil Procedure 55(a). (Dkt. #7.) As a result, defendant Eagle River is deemed to have violated the Labor-Management Relations Act of 1947, as amended, and the Employee Retirement Income Security Act of 1974, as amended, as well as the effective collective bargaining agreements, by (1) failing to pay fringe benefit contributions on behalf of its employees to the above-captioned Painters Local 802 Funds (“Plaintiff Funds”) and (2) failing to submit to an audit of the company’s books and records by Plaintiff Funds’ designated representative covering the period of August 2, 2018, to the present date.

Plaintiffs also moved for injunctive relief requiring defendant to submit to an audit of Defendant’s payroll records to liquidate its claims and proceed to a default judgment hearing. (Dkt. #4.) A hearing on that relief was held on Wednesday, May 6, 2020, at which defendant again failed to appear. Accordingly,

ORDER

IT IS ORDERED THAT:

1. Defendant Eagle River Paint and Stain, LLC, shall arrange and submit within thirty (30) days of the date of this Order to an audit of the company's books and records by Plaintiff Funds' designated representative covering the period August 2, 2018, to the present date.
2. Plaintiffs may submit a motion for default judgment within thirty (30) days of completion of that audit, at which point the court will set a hearing on the motion and, as appropriate, enter a monetary judgment in favor of plaintiffs to include all contributions, interest and liquidated damages due, along with plaintiffs' permissible costs and attorney's fees.
3. In the absence of the filing of a motion for default judgment or request for further relief before August 7, 2020, the court shall hold a telephone status conference on at 8:30 a.m. on August 7.

Entered this 6th day of May, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge